

## **REMARKS**

### **Claim Rejections**

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Duquette (6,667,877) in view of Agata et al. (6,947,278). Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Duquette in view of Agata et al. as applied to claim 1, and further in view of Vatio (5,949,643). Claims 4-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Duquette in view of Agata et al. as applied to claim 1, and further in view of Shiraiwa (2003/0218860).

It is noted that the references to Agata et al. and Shiraiwa were initially cited by the Examiner in the outstanding Final Office Action. Thus, this Amendment represents Applicant's initial opportunity to respond to the rejections based upon this reference.

### **Drawings**

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, Applicant must assume that the drawings are acceptable as filed.

### **Claim Amendments**

By this Amendment, Applicant has canceled claim 2 and amended claim 1 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The primary reference to Duquette teaches a laptop computer having a first monitor screen (40) and a second monitor screen (70) pivotally connected to the first monitor screen.

Duquette does not teach a dual-screen notebook computer having a notebook computer having an LCD display module, a supplemental display module, a digital video camera, and a game boy control button; nor does Duquette teach, when the supplemental display module is located in the closed position, the

supplemental display module is located in a back surface of the LCD display module and has an exterior surface located in a same plane as the back surface of the LCD display module.

The secondary reference to Agata et al. teaches an information processing apparatus and is cited for teaching a camera section (40).

Agata et al. do not teach a dual-screen notebook computer having a notebook computer having an LCD display module, a supplemental display module, a digital video camera, and a game boy control button; nor do Agata et al. teach, when the supplemental display module is located in the closed position, the supplemental display module is located in a back surface of the LCD display module and has an exterior surface located in a same plane as the back surface of the LCD display module.

The secondary reference to Batio teaches a portable computer and is cited for teaching a game pad (11).

Batio does not teach a dual-screen notebook computer having a notebook computer having an LCD display module, a supplemental display module, a digital video camera, and a game boy control button; nor does Batio teach, when the supplemental display module is located in the closed position, the supplemental display module is located in a back surface of the LCD display module and has an exterior surface located in a same plane as the back surface of the LCD display module.

The secondary reference to Shiraiwa teaches a personal computer having first and second display devices (12, 13) pivotally hinged together. The first and second display devices are movable between a flat planar position and a folded position where the first and second display devices are parallel.

Shiraiwa does not teach a dual-screen notebook computer having a notebook computer having an LCD display module, a supplemental display module, a digital video camera, and a game boy control button; nor does Shiraiwa teach, when the supplemental display module is located in the closed position, the supplemental display module is located in a back surface of the LCD display module and has an exterior surface located in a same plane as the back surface of the LCD display module.

Even if the teachings of Duquette, Agata et al., Batio, and Shiraiwa were combined, as suggested by the Examiner, the resultant combination does not suggest: a dual-screen notebook computer having a notebook computer having an LCD display module, a supplemental display module, a digital video camera, and a game boy control button; nor does the combination suggest, when the supplemental display module is located in the closed position, the supplemental display module is located in a back surface of the LCD display module and has an exterior surface located in a same plane as the back surface of the LCD display module.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be

non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Duquette, Agata et al., Batio, or Shiraiwa that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Duquette, Agata et al., Batio, nor Shiraiwa disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

### **Summary**

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the

Application No. 10/632,909

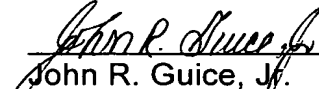
Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by cancelling claim 2, thereby rendering moot the outstanding rejections under 35 U.S.C. § 103, and it represents Applicant's initial opportunity to respond to the rejections based upon Agata et al. and Shiraiwa.

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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